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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,520	12/21/2004	Matti Myrny	P154US00	8108
30671 7590 05/04/2009 DITTHAVONG MORI & STEINER, P.C. 918 Prince St. Alexandria, VA 22314				
EXAMINER LU, ZHIYU				
ART UNIT 2618		PAPER NUMBER		
MAIL DATE 05/04/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/518,520

**Applicant(s)**

MYRY ET AL.

**Examiner**

ZHIYU LU

**Art Unit**

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 31-54 and 61-77 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-54 and 61-77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/27/2009 has been entered.

***Response to Arguments***

2. Applicant's arguments filed 02/27/2009 have been fully considered but they are not persuasive.

Regarding amended claims 31-32, 51-52 and 62-64, applicants argued that there are ground establishment and group communication in both the first and second communication networks, but Kotzin does not teach "establishing the group communication in the second communication network".

However, the Examiner does not agree. In contrast to applicants' argument, the filed specification and drawings support establishing a group and communication in a first communication network and sending the group information to a second communication network for registration and storage. The citation of "for establishing said group" made in remarks actually means the group being establishing in the first communication network but being registered in the second communication network. First, it does not make sense to request peers

for a group establishment in the first communication network and yet the group is established in the second communication network instead. Second, as the second communication network being a long-range or wide-area communication network, there is no group communication between peers but only regular communication between peers through base station or central network. So, it means that there is no group establishment in the second communication network in support. The only group establishment is in the first communication network, where direct communication is possible. In fact, N1 and N2 of Fig. 2 are numbered wrong. According to published paragraph 0026, "a connection processing server CPS in the second network N2". Yet, N1 is numbered to the network CPS occupies in Fig. 2. Fig. 3 shows the correct drawing. And the wireless units of Kotzin establish group communication in a first communication (short-range) network while having communication with a second communication (cellular) network (Fig. 4). Moreover, Kotzin teaches that the group information is stored and registered in the second communication network (114 of Fig. 1, 604 of Fig. 6, column 9 lines 39-41). So, Kotzin does disclose the claim limitation.

Thus, the rejections are proper and maintained.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 31-32, 51-52 and 62-64 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With respect to claim 64, there is no support in filed specification for “a computer program” and “a computer readable medium”.

In claims 31-32, 51-52 and 62-64, applicants claim “establishing the group communication in the second communication network”. However, there is no support found in filed specification. For examination purpose, the amended limitation is not considered.

### ***Drawings***

4. The drawings are objected to because Fig. 2 references the wrong “N1” and “N2” in contrast to Fig. 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be

necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 31-43 and 45-54, 61-73 and 76-77 are rejected under 35 U.S.C. 102(e) as being anticipated by Kotzin (US Patent#7002942, same as US2003/0026221).

Regarding claim 52, Kotzin anticipates an apparatus (106A of Figs. 1, 4, 7) comprising:

means (LAN TRANSCEIVER in 106A of Fig. 1) for sending a request (i.e. inquiry and/or page in Bluetooth protocol) for group establishment to at least one slave user equipment (106B-N of Figs. 1, 4, 7) over a first communications network (102 of Fig. 1) (Bluetooth inquiry for piconet establishment, 500A-506D of Fig. 5, or query messages in column 8 lines 61-67);

means (LAN TRANSCEIVER in 106A of Fig. 1) for receiving from at least one slave user equipment over the first communications network a response comprising information on a user for group establishment (500A-506D of Fig. 5, column 8 line 67 to column 9 line 11);

means (112 of Fig. 1) for creating the group based on the information received in responses from the at least one slave user equipment (column 8 lines 9-11); and

means (LAN TRANSCEIVER in 106A of Fig. 1) for sending the information on the created group to all members of the group via the first communications network (column 6 lines 19-29, where broadcasting makes known of group members to all members of the group).

Regarding claim 31, Kotzin anticipates a method as explained in response to claim 52 above, wherein the master device sends and stores group information in the second communication network (114 of Fig. 1, 604 of Fig. 6, column 9 lines 39-41).

Regarding claim 32, Kotzin anticipates a method of establishing a communications group in a communications network as explained in response to claim 52 above.

Regarding claim 51, Kotzin anticipates a user equipment comprising a group communications capability as explained in response to claim 52 above, where master device sends and stores group information in the second communication network (114 of Fig. 1, 604 of Fig. 6, column 9 lines 39-41).

Regarding claim 62, Kotzin anticipates an apparatus as explained in response to claim 51 above.

Regarding claim 63, Kotzin anticipates an apparatus as explained in response to claim 52 above.

Regarding claim 64, Kotzin anticipates a computer program embodied on a computer readable medium for controlling a computer to perform a method as explained in response to claim 31 above.

Regarding claims 33 and 65, Kotzin anticipates the limitations of claims 31 and 64.

Kotzin anticipates wherein at least one of the request or the response is a multicast request, a point-to-point request, a short message request, an instant message request, an e-mail message request, a multimedia message request, a unified messaging message request, a WAP (Wireless Application Protocol) message request, or an SIP (Session Initiation Protocol) message request (column 8 line 63).

Regarding claim 34, Kotzin anticipates the limitation of claim 31.

Kotzin anticipates further comprising, in creating or modifying the group, checking, by the master user equipment, the response from slave user equipment and if the information of the slave user equipment is acceptable, adding the slave user equipment to the group (inherent in Bluetooth grouping).

Regarding claim 35, Kotzin anticipates the limitation of claim 31.



Kotzin anticipates wherein the request comprises a file which guides the user of the slave user equipment to send only the information needed to establish the group to the master user equipment (inherent in Bluetooth connection setup).

Regarding claim 36, Kotzin anticipates the limitation of claim 31.

Kotzin anticipates wherein the request comprises a file which guides the slave user equipment to send only the information needed to establish the group to the master user equipment (inherent in Bluetooth connection setup).

Regarding claim 37, Kotzin anticipates the limitation of claim 31.

Kotzin anticipates further comprising retrieving, by the master user equipment, a file for the request from at least one of the first communications network, and the second communication network, from its memory (inherent broadcasting synchronization request), or from the slave user equipment.

Regarding claim 38, Kotzin anticipates the limitation of claim 31.

Kotzin anticipates further comprising retrieving, by the master user equipment, a file for the request (inherent broadcasting synchronization request).

Regarding claims 39, 53-54, 66 and 76, Kotzin anticipates the limitations of claims 31, 51, 64 and 62.

Kotzin anticipates wherein the first communications medium is a circuit switched network, a packet switched network, a wireless local area network, an IrDA network, a Bluetooth medium or a network according to the IEEE 802.11 standards (102 of Fig. 1).

Regarding claims 40, 67 and 77, Kotzin anticipates the limitation of claims 31, 64 and 62.

Kotzin anticipates wherein the second communications network a digital mobile communications network, a circuit switched network, or a packet switched network (104 of Fig. 1).

Regarding claim 41, Kotzin anticipates the limitation of claim 31.

Kotzin anticipates further comprising before sending the request from the master user equipment to at least one slave user equipment, selecting by the master user equipment an identification to be used in the information interchange (inherent in Bluetooth connection setup, eg. master device's identification and/or password).

Regarding claims 42 and 68, Kotzin anticipates the limitations of claims 31 and 64.

Kotzin anticipates further comprising sending the request is by using multicasting (column 6 lines 19-22).

Regarding claims 43 and 69, Kotzin anticipates the limitations of claims 31 and 64.

Kotzin anticipates further comprising sending the request by using broadcasting (column 6 lines 19-22).

Regarding claims 45, 58 and 70, Kotzin anticipates the limitations of claims 31, 55 and 64.

Kotzin anticipates further comprising sending by the master user equipment, the request automatically when new user equipment enters a predetermined area (inherent in Bluetooth device detection).

Regarding claim 46, Kotzin anticipates the limitation of claim 45.

Kotzin anticipates further comprising detecting entrance of a client or new user equipment into the predetermined area; and sending the request over the first communications network at least in the proximity of the entrance point (inherent in Bluetooth device detection).

Regarding claims 47 and 71, Kotzin anticipates the limitations of claims 45 and 70.

Kotzin anticipates further comprising sending the request periodically over the first communications network at least in the proximity of the entrance point to the predetermined area (inherent in Bluetooth device detection).

Regarding claims 48, 59 and 72, Kotzin anticipates the limitations of claims 31, 58 and 64.

Kotzin anticipates further comprising deleting by the master user equipment, user equipment from a group when user equipment exits a predetermined area or after a predetermined period of time has elapsed (inherent in piconet update).

Regarding claim 49, Kotzin anticipates the limitation of claim 48.

Kotzin anticipates further comprising detecting exit of a client or user equipment from the predetermined area, sending an identification request over the first communications network at least in the proximity of the exit point; and deleting a group member from the group on the basis of a response to the identification request, if any (inherent in piconet connection).

Regarding claims 50 and 73, Kotzin anticipates the limitations of claims 31 and 64.

Kotzin anticipates further comprising sending, by the master user equipment or another device provided with the group information, advertisements to the group members over the communications network (inherent in query).

Regarding claim 60, Kotzin anticipates the limitation of claim 58.

Kotzin anticipates further comprising a unit (transceiver) for sending advertisements to the group members over the communications network (inherent).

Regarding claim 61, Kotzin anticipates the limitation of claim 31.

Kotzin anticipates further comprising modifying the group based on the information received in responses from the at least one slave user equipment (inherent in detecting new Bluetooth unit); and sending by the master user equipment information on the modified group to the second communications network (114 of Fig. 1, 604 of Fig. 6).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kotzin (US Patent#7002942) in view of Jamieson et al. (US2002/0034959).

Regarding claim 44, Kotzin teaches the limitation of claim 31.

But, Kotzin do not expressly disclose the identification is an MSISDN number.

Jamieson et al. teach using MSISDN number as identification in talk group (paragraph 0022).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate using MSISDN number as identification in talk group taught by Jamieson et al. into the method of Kotzin, in order to configured talk group with mobile telephones.

7. Claims 74-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotzin (US Patent#7002942) in view of Randall et al. (US Patent#7248677).

Regarding claims 74-75, Kotzin teaches the limitations of claims 31 and 62.

But, Kotzin does not expressly disclose wherein the group management server is for one of presence and instant messaging.

Randall et al. teach that a presence and instant messaging server holds information on individuals, groups, and organizations (column 19 lines 25-41, column 20 line 59 to column 21 line 40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate having network database server handling presence and instant messaging taught by Randall et al. into the method and apparatus of Kotzin, in order operate services for presence and instant messaging.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ZHIYU LU whose telephone number is (571)272-2837. The examiner can normally be reached on Weekdays: 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Zhiyu Lu  
Examiner  
Art Unit 2618

/Z. L./  
Examiner, Art Unit 2618  
April 28, 2009

/Duc Nguyen/  
Supervisory Patent Examiner, Art Unit 2618